

REMARKS

Reconsideration of the application is requested in view of the amendments to the specification and claims and the remarks presented herein.

The claims in the application are claims 34 to 38, 40 to 43, 50 and 51, all other claims being cancelled.

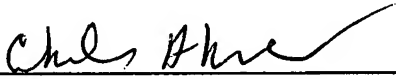
Page 21 has been amended as suggested by the Examiner, page 1 has been amended to refer to the parent application and to provide a new abstract of the disclosure. A terminal disclaimer directed to Patent No. 6,677,429 is submitted to obviate the obviousness-type double patenting rejection of Claim 37. Claim 37 has been amended to treatment rather than preventing as suggested by the Examiner to avoid the 35 U.S.C. 101 rejection thereof. The rejection of claims 34 to 43 under 35 U.S.C. 112 1st paragraph has been obviated by the use of substituted as suggested by the Examiner.

With respect to the Examiner's rejection on pages 4 and 5 of the office action, it is believed that Applicants have complied with the first paragraph of 35 U.S.C. 112 by providing pharmacological data on page 22 of the application. With respect to the invitation of the Examiner to show that humans can be successfully treated for fungal infections, Applicants are submitting an article of Warn et al., published in Journal of Antimicrobial Chemotherapy which shows this. Therefore, withdrawn of this ground of rejection is requested.

With respect to the rejection of claims 34 to 43 under 35 U.S.C. 112, second paragraph, it is believed that the amended claims now comply. Claim 34 recites treating a person exposed to an ailment caused by exposure to a fungus and the term "said derivative of" has been deleted from the claims. Claim 35 has been amended as suggested by the Examiner and Claim 31 has been cancelled. Claim 43 has been amended to obviate the Examiner's rejection thereof. Therefore, withdrawal of these grounds of rejection is requested.

In view of the amendments to the specification and claims and the above remarks, it is believed that the claims point out Applicants' invention. Therefore, favorable reconsideration of the application is requested.

Respectfully submitted,
Hedman and Costigan



Charles A. Muserlian #19,683
Attorney for Applicants
Tel. 212 302 8989

CAM:mlp
Enclosures